

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID LANE JOHNSON,

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION *et al.*,

Defendants.

Case No. 5:17-cv-00047
Judge Sara Lioi

**NFL DEFENDANTS' MOTION TO DISMISS FOR LACK OF PERSONAL
JURISDICTION, IMPROPER VENUE, OR IN THE ALTERNATIVE, TO TRANSFER
TO THE SOUTHERN DISTRICT OF NEW YORK**

Defendants National Football League (“NFL”) and the National Football League Management Council (“NFLMC,” collectively with the NFL, the “NFL Defendants”) respectfully request this Court to dismiss Plaintiff’s complaint for lack of personal jurisdiction pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure; for improper venue pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1406(a); or alternatively, to transfer this case to the Southern District of New York pursuant to 12 U.S.C. § 1404(a).

As set forth in the Memorandum in Support of this Motion filed herewith, Plaintiff has failed to make a *prima facie* showing of personal jurisdiction over the NFL Defendants under Ohio’s long-arm statute, and any exercise of such jurisdiction over the NFL Defendants would violate the Due Process Clause. Further, because none of the events giving rise to Plaintiff’s claims took place in Ohio, much less the Northern District of Ohio, this Court should dismiss

Plaintiff's complaint for improper venue, or alternatively, transfer this case to the Southern District of New York, where the events giving rise to Plaintiff's claims occurred.

Respectfully submitted,

Dated: January 24, 2017

/s/ Philip M. Oliss

Frederick R. Nance (0008988)

Philip M. Oliss (0066528)

philip.oliss@squirepb.com

SQUIRE PATTON BOGGS (US) LLP.

127 Public Square, Suite 4900

Cleveland, Ohio 44114-1304

Telephone: (216) 479-8500

Facsimile: (216) 479-8780

Daniel L. Nash (*pro hac vice* application pending)

dnash@akingump.com

AKIN GUMP STRAUSS HAUSER & FELD LLP

1333 New Hampshire Avenue, NW

Washington, DC 20036

Telephone: (202) 887-4000

Facsimile: (202) 887-4288

*Counsel for Defendants National Football League
and National Football League Management
Council*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NFL Defendants' Motion to Dismiss for Lack of Personal Jurisdiction, Improper Venue, or in the Alternative, to Transfer to the Southern District of New York was electronically filed on January 24, 2017. Notice of this filing will be sent to all Parties by operation of the Court's electronic filing system. The Parties may access this filing through the Court's system.

/s/ Philip M. Oliss

Attorney for the Defendants National Football
League and National Football Management Council